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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,190	06/07/2000	Yoshiaki Shiota	067183/0186	8859

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EXAMINER

PUENTE, EMERSON C

ART UNIT

PAPER NUMBER

2184

DATE MAILED: 04/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/588,190

Applicant(s)

SHIOTA, YOSHIAKI

Examiner

Emerson C Puente

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 June 2000.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) \_\_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 6/7/00 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-8 have been examined.
2. This action is made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5, 6, and 7 are rejected under 35 U.S.C. §102(e) as being clearly anticipated by US Patent No. 6,202,090 of Simone.

In regards to claim 1, Simone discloses a fault management system for a switching equipment which included a circuit section and a processor for performing setting and control of said circuit section and transmits and receives data to and from a terminal equipment or the like, comprising:

a fault detection section for detecting a fault which occurs in said switching equipment. Simone states a reset occur for any one of a variety of software and hardware faults, indicating a fault detection section for detecting faults in the router or switching equipment (see column 4 lines 7-8).

a concentrated fault management section operable when said fault detection section detects an unrecoverable fault from continuously signaling a reset signal for resetting said processor and said section to said processor and said circuit section.

Simone states a reset occur for any one of a variety of software and hardware faults (see column 4 lines 7-8).

In regards to claim 3, Simone discloses a fault management system for a switching equipment wherein said concentrated fault management section is connected to and supervises a processor bus which interconnects said processor and said circuit section and continuously signals, when a fault occurs with said processor bus, a reset signal to said processor and said circuit section. Simone discloses an internal bus coupling interconnecting processor with said circuit section (see item 13 figure 1). Furthermore, Simone states a bus error calls a shutdown routine, which resets the processor and circuit section (see column 4 lines 10-13).

In regards to claims 5, 6, and 7, Simone discloses a fault management system for switching equipment wherein said concentrated fault management section sends a notification of occurrence of a fault to a central control section connected to an external console. Simone states the compressed core file can be accessed through a device (or external console) coupled to auxiliary port (see column 5 lines 34-37). The auxiliary port may constitute as a central control section because applicant discloses the central control section as being connected to external console and sending notification to the console when a fault occurs, which the auxiliary port does. The sending of the core compress file constitutes a notification of occurrence of a fault. If compress file was not received, no fault would of occurred.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 4, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Simone in further view of Japanese Patent No. 02226432 of Nakamura.

In regards to claim 2, Simone discloses all the claimed subject matter stated in claim 1, as previously stated. He further states a reset to occur for any one of a variety of software and hardware faults (see column 4 lines 7-8). Thus it is inherent when a fault has occurred, concentrated fault management section is notified of the unrecoverable fault in order to reset to occur.

However, Simone fails to disclose a fault management system for a switching equipment wherein said fault detection section detects whether or not supply of a clock signal of an oscillator which supplies the clock signal to said processor is interrupted.

Nakamura discloses a clock fault detection circuit, which detects abnormalities or interrupts in a clock supplied from a clock distribution circuit to processors through a clock signal (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Simone to include a clock fault detection section, which detects whether or not supply of a clock signal of an oscillator which supplies the clock signal to said processor is interrupted, as per teaching of Nakamura. A person of ordinary skill in the art would have been motivated to make the modification to Simone because Simone discloses resets occur for any one of a variety of software and hardware faults and having clock fault detection section, would indicate faults as a result of interrupts in clock signal to processor.

In regards to claim 4, Simone discloses a fault management system for a switching equipment wherein said concentrated fault management section is connected to and supervises a processor bus which interconnects said processor and said circuit section and continuously signals, when a fault occurs with said processor bus, a reset signal to said processor and said circuit section. Simone discloses an internal bus coupling interconnecting processor with said circuit section (see item 13 figure 1). Furthermore, Simone states a bus error calls a shutdown routine, which resets the processor and circuit section (see column 4 lines 10-13).

In regards to claim 8, Simone discloses a fault management system for switching equipment wherein said concentrated fault management section sends a notification of occurrence of a fault to a central control section connected to an external console. Simone states the compressed core file can be accessed through a device or external console coupled to auxiliary port (see column 5 lines 34-37). The auxiliary port may constitute as a central control section because applicant discloses the central control section as being connected to external console and sending notification to the console when a fault occurs, which the auxiliary port does. The sending of the core compress file constitutes a notification of occurrence of a fault. If compress file was not received, no fault would of occurred.

### ***Response to Amendment***

6. Applicant's arguments filed February 3, 2003 have been fully considered but they are not deemed to be persuasive.

7. In response to applicant's argument on page 4 that argues: Simone nor Nakamura "disclose or suggest a concentrated fault management section operable when said fault detection section detects an unrecoverable fault for *continuously* signaling a reset signal for resetting said processor and said circuit section to said processor and said circuit section," examiner respectfully disagrees. Applicant discloses in the specification that the problem with prior art is "a operator manually inputs operation into the console", which results in a considerable time before the fault is removed after the fault occurs. This can result in "the possibility that the circuit section may malfunction and signal illegal data, which should not originally be transmitted, to a terminal equipment of the like...." (see pg 4 line 16 to page 5 line 1). Furthermore, applicant disclose in specification to fix such problems, the invention includes a concentrated fault management apparatus that automatically signals a reset signal immediately when a fault occurs, thus "preventing illegal data which should not naturally be transmitted at all from the circuit section to the terminal equipment or the

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like..." (see pg 7 lines 20-22). Applicant states in the claim that "continuously signaling a reset signal" occur when "a fault detection detects an unrecoverable fault " and the purpose of the continuously signaling a reset signal is to "reset said processor and said circuit section to said processor and said circuit section". Therefore, it is interpreted by the examiner that "continuously signaling a reset signal" to mean the automatically signaling of a reset signal as oppose to manual signaling, as disclose in the specification. Simone disclose shutdown events, which include any one of a variety of hardware and software faults, causes a reset to occur, indicating automatically or continuously signaling of a reset signal as oppose to manual signaling (see column 4 linees 5-8).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Emerson Puente, whose telephone number is (703) 305-8012. The examiner can normally be reached on Monday-Friday from 8:00AM- 5:00PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Robert Beausoliel*, can be reached on (703) 305-9713 or via e-mail

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addressed to [robert.beausoliel@uspto.gov]. The fax number for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [emerson.puente@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 305-3900.

*Emerson Puente*

4/21/03



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